

REMARKS

Applicant respectfully requests consideration of the subject application as amended herein. This Amendment is submitted in response to the Office Action mailed on November 1, 2004. Claims 1-34 and 47-65 have been withdrawn. Claims 35-46 are rejected. Claim 35, 40-43 and 45 have been amended. No new matter has been added.

Speciation Title

The title of the Specification has been amended as the Examiner suggested.

35 U.S.C. § 112, second paragraph

The Examiner rejected claims 35-48 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 35 has been amended to clearly point out that the plurality of blocks need not be part of the apparatus and that the dispensing tube is configured so that the plurality of blocks can be dispensed from the dispensing tube's orifices.

35 U.S.C. § 102(b)

As discussed below, the pending claim is patentable over the above reference. Claims 35-38 are rejected under 35 U.S.C. § 102(b) as being anticipated by Cohn (U.S. Patent No. 5,355,577, hereinafter "Cohn").

Applicant respectfully submits that Cohn did not disclose each and every element of claims 35-38 in their amended form.

Cohn disclosed self-assembly template apparatus called a self-assembly cell

container as shown in Figures 2-3. As discussed in Cohn at col. 5, lines 46 to col. 6, lines 20, the self-assembly cell container is essentially a parallel plate capacitor. The top electrode 66 includes apertures for microparticles to be dispensed into. Microparticles are poured into the self-assembly container. The container is vibrated and the microparticles within are vibrated. The particles are eventually trapped and settled into the apertures.

Unlike Cohn, Applicant's invention as claimed in claims 35-38 pertained to a dispensing tube configured to dispense a plurality of blocks from orifices provided on the dispensing tube. The blocks are dispensed from the tube onto a substrate. A vibration source is coupled to the dispensing tube and the vibration source facilitates even distribution of the blocks. As can be seen from claim 35 recited below, the apparatus of claim 35 comprises:

a dispensing tube having a plurality of orifices located longitudinally along a surface of said dispensing tube; and
a vibration source coupling to said dispensing tube; wherein
said dispensing tube is configured for a plurality of blocks to be dispensed from said plurality of orifices and onto a substrate and wherein said vibration source facilitates even distribution of said plurality of blocks along said dispensing tube. (Emphasis added).

Cohn thus did not disclose each and every element of claims 35-38. Cohn did not disclose a dispensing tube that is configured to dispense a plurality of blocks from a plurality of orifices provided on the dispensing tube onto a substrate as recited in claims 35-38.

Thus, Cohn did not anticipate claims 35-38.

35 U.S.C. § 103(a)

Claims 39 and 44 are rejected under 35 U.S.C. § 103(a) as being unpatentable

over Cohn.

Applicant respectfully disagrees. Applicant respectfully submits that it is NOT inherent to provide a rotation mechanism coupling to each side of the dispensing tube in order to rotate the tube as recited in claims 39 and 44. Cohn did not suggest, teach, or even motivate that the self-assembly template container is rotated. Thus, it would have not been inherent from Cohn that a rotation mechanism is to be coupled to the dispensing tube as recited in Applicant's claims 39 and 44.

Furthermore, even if it is inherent to provide a rotation mechanism coupling to each side of the dispensing tube in order to rotate the tube, which Applicant disagrees, Cohn could not have made obvious claims 39 and 44 for the reasons discussed in the 35 U.S.C. § 102(b) section.

Applicant thus submits that Cohn did not make obvious claims 39 and 44.

ALLOWABLE SUBJECT MATTER

Applicant thanks the Examiner to indicate that Claims 40-43 and 45-46 would be allowable if rewritten to overcome the rejections under 35 U.S.C. §112, second paragraph, as set forth in this Office Action and to include all of the limitations of the base claim and any intervening claims. Claims 40-43 and 45-46 have so been amended and are now in condition for allowance.

If the Examiner finds any remaining impediment to the prompt allowance of these claims that could be clarified with a telephone conference, the Examiner is respectfully requested to contact Mimi Diemmy Dao at (408) 720-8300.

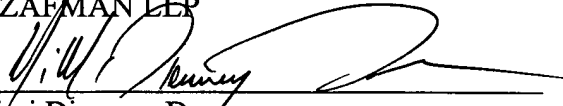
Deposit Account Authorization

Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR
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